

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
THURSDAY, DECEMBER 4, 2014**

PRESENT: Peter F. Murphy, Springfield District
Frank A. de la Fe, Hunter Mill District
Janet R. Hall, Mason District
James R. Hart, Commissioner At-Large
Ellen J. Hurley, Braddock District
John C. Ulfelder, Dranesville District
James T. Migliaccio, Lee District
Earl L. Flanagan, Mount Vernon District
Kenneth A. Lawrence, Providence District
John L. Litzenberger, Jr., Sully District
Timothy J. Sargeant, Commissioner At-Large

ABSENT: Janyce N. Hedetniemi, Commissioner At-Large

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The meeting was called to order at 8:15 p.m. by Chairman Peter F. Murphy in the Board Auditorium of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia 22035.

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COMMISSION MATTERS

SE 2014-MV-045 - ZAHIDA BABAR d/b/a AZEEM DAY CARE

Commissioner Flanagan: Thank you, Mr. Chairman. As I announced last night, it was my intention to defer the public hearing tonight for SE 2014-MV-045, the Azeem Day Care application, and it's no longer my intent. Tonight, I MOVE THAT THE PLANNING COMMISSION DEFER THE PUBLIC HEARING FOR SE 2014-MV-045 TO A DATE CERTAIN OF JANUARY 8, 2015.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant. Is there a discussion of the motion? All those in favor of the motion to defer the public hearing on SE 2014-MV-045, which is the Azeem Day Care center, to a date certain of January 8th, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

The motion carried by a vote of 11-0. Commissioner Hedetniemi was absent from the meeting.

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RZ/FDP 2014-LE-008 – LONG BRANCH PARTNERS, L.L.C.

Commissioner Migliaccio: Thank you, Mr. Chairman. I also have a deferral. It is on behalf of Long Branch Partners. They sent – the applicant sent a letter in to the Planning Commission to ask for a deferral for some additional time to work on the application. Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION DEFER RZ/FDP 2014-LE-008, ON BEHALF OF LONG BRANCH PARTNERS, L.L.C. TO A DATE CERTAIN OF FEBRUARY 25TH, 2015.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant. Is there a discussion of the motion? All those in favor of the motion to defer the public hearing on RZ/FDP 2014-LE-008, which is the Long Branch Partners application, to a date certain of February 25th, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

The motion carried by a vote of 11-0. Commissioner Hedetniemi was absent from the meeting.

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ORDER OF THE AGENDA

On behalf of Secretary Hall, Chairman Murphy established the following order of the agenda:

1. 2232-Y14-7 – VERIZON WIRELESS AND MILESTONE COMMUNICATIONS

This agenda was accepted without objection.

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2232-Y14-7 – VERIZON WIRELESS AND MILESTONE COMMUNICATIONS – Appl. under Sects. 15.2-2204 and 15.2-2232 of the *Code of Virginia* to consider the proposal by Verizon Wireless and Milestone Communications, Inc. to develop a telecommunications facility located at 6309T Bull Run Post Office Road, Centreville, VA. Tax Map: 52-2 ((1)) 11E. Area III.

Doug Hansen, Planning Division (PD), Department of Planning and Zoning (DPZ), presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of application 2232-Y14-7.

There were no disclosures by the Commission.

Commissioner Litzenberger asked how close the nearest residential community stood from the facility, to which Mr. Hansen said approximately 2,300 feet away. He added that the closest residence was another 2,600 feet beyond.

Commissioner Flanagan asked if the 100-foot RAD center on the facility was a marketable height for a provider. Mr. Hansen said yes, noting that a recent applicant had requested a RAD center as low as 78 feet in another part of the County.

Commissioner Hall asked if there might be a way to align the antennas on each triangle on the facility. Mr. Hansen explained that the Comprehensive Plan did not say that the antennas were required to be uniform, but they were required to be in context with the surrounding environment. When Commissioner Hall asked why they could not be aligned, he said that the antennas were positioned to pick up signals and deferred to the applicant for a more detailed explanation.

Commissioner Lawrence asked if the height of the facility could be extended once approved. Mr. Hansen said it could and cited Section 6409(a) of the Spectrum Act, which allowed for extension up to no more than 10 percent of the facility's height. When Commissioner Lawrence asked how the extension would go through the county, Mr. Hansen stated that it would be handled as a "feature shown" of the Comprehensive Plan, adding that it could be done only once during the lifetime of the facility.

Chris Caperton, Chief, Public Facilities Branch, PD, DPZ, pointed out that the specifics of the process were still being worked out and stated that once it was published in the Federal Register, the County would have 30 days to respond. He concurred with Mr. Hansen's remarks, but confirmed that once a process was laid out by the Federal Communications Commission, the County would specify its course of action.

Commissioner Lawrence pointed out that an extension of the proposed facility by ten percent would create a pole that would remain well within the 199-foot height limit permitted in the Zoning Ordinance.

Commissioner Hart asked if there was a way for the Commission to see what the facility would look like prior to the addition of a ten percent extension. Mr. Caperton said that it was a fair consideration; however the regulations needed to be more defined, as previously stated.

Chairman Murphy asked if the Telecommunications Committee might need to meet to discuss the implications of 6409(a). Mr. Caperton said that a couple of meetings might be necessary.

Mr. Hansen pointed out that the lowest RAD center on the facility would be 110 feet and not 100, as previously quoted earlier in the discussion.

Commissioner Migliaccio referenced the letter by Mercy Luhanga, Radio Frequency (RF) Engineer, Verizon Wireless, regarding collocation on the subject facility, and asked how far the

other facilities referenced in the letter were from the proposed monopole. Chairman Murphy suggested that the applicant might respond to this question better than County staff.

Mr. Hansen noted that while the applicant had not specified the height of the surrounding facilities, a general height of 130 feet was given. Additionally, staff was told that those facilities had existing carriers and/or electrical equipment and could not support additional weight.

Frank Stearns, Esquire, applicant's agent, Donohue & Stearns, PLC, addressed Commissioner Migliaccio's questions and confirmed that the tallest facilities stood 130 feet and held power lines, not telecommunications facilities. He added that Dominion Virginia had determined that those facilities were not structurally strong enough to support telecommunications equipment. Commissioner Migliaccio noted that the staff report, and Ms. Luhanga's letter, were both silent with regard to Dominion Virginia's refusal to permit Verizon to collocate on its facilities. Mr. Stearns pointed out that carriers would rather collocate than build new facilities. Commissioner Migliaccio questioned the need for the facility and asked if there were other carriers who planned to collocate on this facility. Mr. Stearns stated that AT&T had expressed interest.

Commissioner Sargeant pointed out that Ms. Luhanga's letter seemed to indicate that other wireless telecommunications carriers located on Dominion Power towers, with which Mr. Stearns concurred; however, Commissioner Sargeant stated that this was not the case and reiterated that Dominion did not permit any of the carriers on its facilities.

Commissioner Migliaccio concurred and said that Mr. Stearns' clarification of the issue on record this evening would alleviate the applicant from resubmitting a revised letter. Mr. Stearns pointed out that the 150-foot total height was necessary for the subject facility to connect to the nearest telecommunications facilities, thereby providing better wireless coverage. In addition, he said that the facility's location would provide an ideal propagation radius to provide full service in an otherwise weak area.

Commissioner Lawrence noted that Ms. Luhanga might have been referring to dynamic load on the Dominion structures and suggested that Mr. Stearns determine whether that might be the case. Mr. Stearns stated that the antenna had become larger over the years, particularly as a result of the need for more data has risen.

Responding to a question from Commissioner Hart, Mr. Stearns stated that there was no other facility from where the proposed tower stood to the nearest one, which was located near Pleasant Valley Road. Commissioner Hart asked if one of the reasons for the proposed location was to improve the service for those residents who currently had none. Mr. Stearns said yes, noting that it would also provide more spectrum for greater usage.

There was a brief discussion between Commissioner Ulfelder and Mr. Stearns regarding the propagation maps, wherein it was revealed that the sites depicted as "permitted/in permitting" were Verizon sites. When Commissioner Ulfelder asked how close the nearest competitor's tower was located to the subject tower, Mr. Stearns said he did not know.

Mr. Stearns stated that he concurred with the staff report and apologized for the misunderstanding regarding the RF Engineer's letter. He said that the proposed location and height were appropriate and was in harmony with the Comprehensive Plan. He added that mitigation factors had been addressed and that the applicant had proven the need for the facility. He requested that the Commission recommend approval of the application.

Commissioner Litzenberger noted that citizens had asked why the carriers could not be collocated on a nearby Cub Run NOVEC (Northern Virginia Electric Cooperative) tower and were told that the tower could not withstand the wind load, with which Mr. Stearns concurred. Commissioner Litzenberger asked Mr. Stearns how the applicant had reached out to the citizens about the proposal. Mr. Stearns stated that he had met with the West Fairfax Citizens Association on October 21, 2014 and November 18, 2014, and received endorsements for the application both times. He also met with the Sully District Land Use Committee on October 22, 2014, and received its support, noting that the Committee considered a second scheduled meeting unnecessary once the county staff supported the application. In addition, he said that he had met three times with other citizen groups. He said that that notices were sent out to 30 residences and five homeowners associations for the October 22, 2014 balloon test. He added that upon request from Sully District Supervisor Michael Frey, he met with two other citizens to address their concerns. He further noted that a website was established and got 35 hits and did not have comments of objection

Commissioner Flanagan asked Mr. Stearns to identify the locations of other nearby telecommunications facilities on the propagation maps. Mr. Stearns reiterated that he did not know where other carrier facilities were located.

Chairman Murphy called for speakers from the audience and recited the rules for testimony.

Thomas Richardson, 6001 Bull Run Post Office Road, Centreville, asked what the adverse impacts might be as a result of the installation of the proposed facility.

There being no more speakers, Chairman Murphy called for a rebuttal statement from Mr. Stearns, who said that, without having been to Mr. Richardson's house, he could not evaluate the visual impact; however, he said that there would be no adverse effects in terms of lighting or property values resulting from this facility.

There were no further comments or questions from the Commission and staff had no closing remarks; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Litzenberger for action on this case.

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Chairman Murphy: Public hearing is closed; recognize Mr. Litzenberger.

Commissioner Litzenberger: Thank you, Mr. Chairman. Well, first I want to commend Doug Hansen of our fine staff, Ms. Hernandez, and Mr. Stearns because they did, in my opinion, excellent community outreach. I know they contacted the Richardsons personally with a letter. I

think Supervisor Frey's Office did the same thing. But the fact that their house is half a mile from this cell phone tower - - and here we're used to people complaining when it's a 100 feet - - and, they will be hard-pressed to see it and, if anything, it will help that area because it will provide better coverage. As Mr. Hart alluded to, the coverage is lacking in that part of the - the county, as far as cell phone coverage. With that, Mr. Chairman, I CONCUR WITH STAFF'S CONCLUSION THAT THE PROPOSAL BY VERIZON WIRELESS AND MILESTONE COMMUNICATIONS, TO CONSTRUCT A 150-FOOT TALL MONOPOLE, LOCATED AT 6309T BULL RUN POST OFFICE ROAD, CENTREVILLE, VIRGINIA, SATISFIES THE CRITERIA OF LOCATION, CHARACTER, AND EXTENT, AS SPECIFIED IN *VIRGINIA CODE* SECTION 15.2-2232, AS AMENDED. THEREFORE, MR. CHAIRMAN, I MOVE THAT THE PLANNING COMMISSION FIND SUBJECT APPLICATION 2232-Y14-7 SUBSTANTIALLY IN ACCORD WITH THE PROVISIONS OF THE ADOPTED COMPREHENSIVE PLAN.

Commissioners Flanagan and Hart: Second.

Chairman Murphy: Seconded by Mr. Flanagan and Mr. Hart. Is there a discussion of the motion? All those in favor of the motion to approve 2232-Y14-7, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

The motion carried by a vote of 11-0. Commissioner Hedetniemi was absent from the meeting.


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The meeting was adjourned at 9:08 p.m.
Peter F. Murphy, Chairman
Janet R. Hall, Secretary

Audio and video recordings of this meeting are available at the Planning Commission Office, 12000 Government Center Parkway, Suite 330, Fairfax, Virginia 22035.

Minutes by: Jeanette Nord

Approved on: July 22, 2015



John W. Cooper, Clerk to the
Fairfax County Planning Commission